

FACT SHEET:

NEW FEDERAL AND STATE REQUIREMENTS FOR ANIMAL FEEDING OPERATIONS



What cattle and swine farmers need to know...and do

BACKGROUND

BACKGROUND AND STATUS OF REGULATIONS

The federal Environmental Protection Agency (EPA) has revised Clean Water Act regulations for concentrated animal feeding operations (CAFOs). The Maryland Department of the Environment (MDE), which has authority to implement the federal rules—is moving forward with efforts to develop a permit that will update existing state and federal requirements for animal feeding operations. The proposed regulations have been published in the

Maryland Register and following a public comment period, are expected to be finalized by January 2009.

The new regulations are designed to protect water quality by reducing nutrient pollution in Maryland waterways. Cattle, dairy cattle and swine farmers should prepare for the new regulations by familiarizing themselves with the following terms and requirements.

SIZES OF ANIMAL FEEDING OPERATIONS Based on number of animals

	LARGE	MEDIUM	SMALL
Cattle (including heifers)	1,000 or more animals	300-999 animals	less than 300 animals
Dairy Cattle	700 or more animals	200-699 animals	Less than 200 animals
Swine (more than 55 pounds)	2,500 or more animals	750-2,499 animals	Less than 750 animals
Swine (less than 55 pounds)	10,000 or more animals	3,000-9,999 animals	Less than 3,000 animals

AFO DEFINITION

ANIMAL FEEDING OPERATION (AFO)

An Animal Feeding Operation is defined under state and federal rules as a feedlot or facility where animals are confined, fed and maintained for at least 45 days in any 12 month period and vegetation is not sustained in the confinement area. Feed is brought to the animals, which do not graze or otherwise seek nourishment in pastures or fields. Pastures are not subject to the National Pollutant Discharge Elimination System (NPDES) program. AFOs are classified by MDE as small, medium and large. Both the size of an operation and its likelihood to cause pollution determine the type of permit required.

MAFO PERMIT

MARYLAND ANIMAL FEEDING OPERATION (MAFO) PERMIT

Large animal feeding operations are required to apply for a state Maryland Animal Feeding Operation (MAFO) permit, unless they have applied for a CAFO permit (described in the next section). No wastewater discharges to surface waters are allowed under a MAFO permit.

Requirements MAFOs are required to implement either a federal Comprehensive Nutrient Management Plan or a current state Nutrient Management Plan that is integrated with a Soil Conservation and Water Quality Plan. Additionally, the MAFO permit requires farmers to:

- Submit a copy of the Nutrient Management Annual Implementation Report to MDE
- Assure proper handling of dead animals and chemicals
- Divert clean water from the production area
- Prevent livestock in the confinement areas from entering streams
- Apply manure in accordance with required setbacks

Under the terms of this permit, MDE and authorized representatives may monitor water quality and management practices. MDE is authorized to conduct unannounced inspections to confirm compliance.

Action Required Operators are required to submit a Notice of Intent and a copy of their current Nutrient Management Plan to MDE within 90 days of the effective date of the regulations. Operators must submit a current Soil Conservation and Water Quality Plan no later than two years following the effective date of the permit.

Permit Fee None.

Penalties/Fines Violators may incur penalties of up to \$10,000 a day.

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CAFO PERMIT

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) PERMIT

Any medium or large animal feeding operation that discharges wastewater to surface waters of the state is defined as a Concentrated Animal Feeding Operation (CAFO) and is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from MDE. Examples of discharges to waters of the state include stormwater runoff that comes into contact with animal waste or a release from a liquid manure system. Additionally, medium or large operations with animals in production areas that come into contact with surface waters are defined as CAFOs. Small animal feeding operations may also be designated as a CAFO on a case by case basis. If a facility was permitted as a CAFO under the previous permit, the owner/operator must register for this new permit. Animal feeding operations

that spray irrigate wastewater continue to be required to obtain a groundwater discharge permit under existing state rules.

Requirements Under the CAFO permit cattle, dairy cattle and swine operations are required to implement a Comprehensive Nutrient Management Plan, developed according to USDA Natural Resources Conservation Service standards and:

- Submit annual reports to MDE
- Assure proper handling of dead animals and chemicals
- Divert clean water from the animal production area
- Prevent livestock in the confinement areas from entering streams
- Apply manure in accordance with required setbacks

This permit authorizes MDE and EPA to conduct unannounced inspections to confirm compliance.

Action Required Operations designated as a CAFO under the previous permit must register for this new permit within 60 days of its effective date by submitting a Notice of Intent with a copy of the required Comprehensive Nutrient Management Plan. All other CAFOs must submit this information to MDE within 90 days of the permit's effective date.

Permit Fees \$1,200 annually for large operations; \$600 for medium operations; \$120 annually for small operations

Penalties/Fines Violators may incur penalties of up to \$32,500 a day.

SOIL CONSERVATION DISTRICTS

Allegany	301-777-1747, ext. 3	Harford	410-838-6181, ext. 3
Anne Arundel	410-571-6757	Howard	410-489-7987, ext. 0
Baltimore County	410-666-1188, ext. 3	Kent	410-778-5150, ext. 3
Calvert	410-535-1521, ext. 3	Montgomery	301-590-2855, ext. 0
Caroline	410-479-1202, ext. 3	Prince George's	301-574-5162, ext. 3
Carroll	410-848-8200, ext. 3	Queen Anne's	410-758-3136, ext. 3
Catoctin	301-695-2803, ext. 3	St. Mary's	301-475-8402, ext. 3
Cecil	410-398-4411, ext. 3	Somerset	410-651-1575, ext. 3
Charles	301-934-9588, ext. 3	Talbot	410-822-1577, ext. 3
Dorchester	410-228-5640, ext. 3	Washington County	301-797-6821, ext. 3
Frederick	301-695-2803, ext. 3	Wicomico	410-546-4777, ext. 3
Garrett	301-334-6950, ext. 3	Worcester	410-632-5439, ext. 3

REGULATORY AGENCY



Maryland Department of the Environment

1800 Washington Boulevard
Baltimore, MD 21230
410-631-3567 • www.mde.state.md.us

TECHNICAL AND FINANCIAL ASSISTANCE



Maryland Department of Agriculture

Office of Resource Conservation

50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5865 • www.mda.state.md.us